

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

MACTEC, INC.,

Plaintiff,

v.

BECHTEL JACOBS COMPANY, LLC,

Defendant.

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**No. 3:05-CV-340
(Phillips)**

ORDER

This matter is before the court on the following motions filed by the parties:

(1) Bechtel Jacob's motion to defer consideration of MACTEC's motion for attorneys fees and bill of costs [Doc. 137] and (2) Bechtel Jacob's motion to extend briefing schedule for motion for attorneys fees and for bill of costs [Doc. 140].

Bechtel Jacobs has moved for an order deferring consideration of MACTEC's motion for attorneys fees, prejudgment interest and its bill of costs while an appeal is taken and during the pendency of that appeal. In support of the motion, Bechtel Jacobs states that MACTEC's entitlement to attorneys fees, prejudgment interest, and costs depends on whether the Sixth Circuit Court of Appeals affirms the judgment awarded to MACTEC on

the merits. If the appellate court reverses or remands any portion of the judgment, the facts and circumstances surrounding the court's assessment of MACTEC's entitlement and quantification of the amounts for fees and costs would be affected. In that event, the court would need to revisit in the future any fees and costs awarded now. Rather than duplicating effort, Bechtel Jacobs asserts the prudent course is to defer MACTEC's fee petition and bill of costs until after the appeal on the merits is determined. MACTEC has not responded in opposition to Bechtel Jacob's motion to defer consideration.

Given that the pending appeal will decide questions relevant to the issue of attorneys fees, prejudgment interest and costs, Bechtel Jacob's motion is hereby **GRANTED** and MACTEC's motion for attorneys fees and prejudgment interest [Doc. 128], as well as MACTEC's motion for costs [Doc. 130] are hereby **STAYED** pending resolution of Bechtel's appeal to the Sixth Circuit Court of Appeals.

Because this matter has been **STAYED**, Bechtel Jacob's motion to extend the briefing schedule for the above motions [Doc. 140] is **DENIED AS MOOT**.

ENTER:

s/ Thomas W. Phillips
United States District Judge